

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Applicant: Peter C. McEachen, et al.  
Serial No.: 10/665,106  
Filed: September 17, 2003  
For: EDUCATIONAL TOY  
Art Unit: 3712  
Examiner: Unknown



INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. Pursuant to 37 C.F.R. 1.97 and 1.98, and in compliance with 37 C.F.R. 1.56, the Office's attention is directed to the patents, pending applications, publications and other information listed on the attached PTO-1449. A copy of each listed document is enclosed, except for (a) those previously cited or submitted to the Office in the following application(s) upon which this application relies for an earlier filing date under 35 U.S.C. 120, and (b) any U.S. patent or U.S. patent application publication if the present application was filed after June 30, 2003 or entered the national stage under 35 USC § 371 after June 30, 2003:

Serial No.: \_\_\_\_\_  
Filing Date: \_\_\_\_\_

Regarding any document, publication or other information for which a date is not given on the attached PTO-1449, Applicant(s) believe(s) the same may qualify as "prior" art to this application and should be treated accordingly, although Applicant(s) reserve(s) the right to contest the prior art status of any document, publication or information, should issue arise.

2. Regarding each listed document that is not in the English language, an English-language translation accompanies this Statement as indicated on the attached PTO-1449 or a concise explanation of the relevance of the document is set forth in the following document(s):

- (a) \_\_\_\_ A copy of each English language version of a search report (or EPO Search Report) indicating the degree of relevance found by the foreign office of each document being submitted from the search report, is being submitted herewith or has previously been submitted.
- (b) \_\_\_\_ Attached is a "Concise Explanation of Relevance of Non-English Language Documents".

3. Pursuant to 37 C.F.R. 1.97(b) this Statement is being filed (one must be checked):

- (a) \_\_\_\_ Within 3 months of the filing date or date of entry into the National Stage.
- (b) X Before the mailing date of a first Office Action on the merits. If this Statement is not filed before the mailing date of a first Office Action on the merits, the required certification is given below or, in the absence thereof, the Office is authorized to charge the required fee set forth in 37 C.F.R. 1.17(p) to Deposit Account No. 18-0988 for consideration of this Statement.
- (c) \_\_\_\_ Before the mailing date of a first Office Action on the merits after a first or second submission after final rejection under 37 C.F.R. 1.129(a).

- (d) \_\_\_\_ After the period set forth in 37 C.F.R. 1.97(b) but before the mailing date of either a final action or a notice of allowance.
- (1) \_\_\_\_ The required certification is given below, or
- (2) \_\_\_\_ Enclosed is a check covering the fee set forth in 37 C.F.R. 1.17(p) for consideration of this Statement, or
- (3) \_\_\_\_ Charge the fee set forth in 37 C.F.R. 1.17(p) to Deposit Account No. 18-0988
- (e) \_\_\_\_ After the mailing date of either a final action or a notice of allowance, but before payment of the issue fee. Petition hereby is made for consideration of this Statement and the required certification is indicated below.
- (1) \_\_\_\_ Enclosed is a check covering the fee set forth in 37 C.F.R. 1.17(p), or
- (2) \_\_\_\_ Charge the fee set forth in 37 C.F.R. 1.17(p) to Deposit Account No. 18-0988.

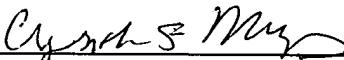
4. Certification (if applicable)

- (a) \_\_\_\_ The undersigned hereby certifies that each item of information contained in this Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than 3 months prior to the filing of this Statement.
- (b) \_\_\_\_ The undersigned hereby certifies that no item of information contained in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the undersigned's knowledge after making reasonable inquiry, no item of information contained in this statement was known to any individual designated in 37 C.F.R. 1.56(c) more than 3 months prior to the filing of this Statement.

5. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 18-0988.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

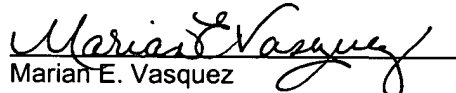
By   
Cynthia S. Murphy, Reg. No. 33,430

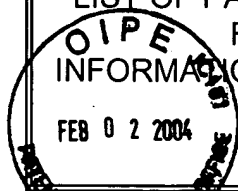
1621 Euclid Avenue, 19th Floor  
Cleveland, Ohio 44115  
(216) 621-1113

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence (along with any paper referenced as being attached or enclosed) is being deposited on the below date with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: January 28, 2004

  
Marian E. Vasquez

Form PTO-1449 (Modified)		Atty Docket No. LTTK.P6540US	Serial No. 10/665,106
<b>LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT</b>  (Use several sheets if necessary)		Applicant: Peter C. McEachen et al.	
		Filing Date September 17, 2003	Group 3712

## U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date (MM/YYYY)	Name	Class	Sub-class	Filing Date if Appropriate
	6,474,659	11/2002	Horchler et al.	280	1.14	
	6,446,981	09/2002	Wise et al.	280	7.17	
	6,409,511	06/2002	Cogliano	434	159	
	6,257,948	07/2001	Silva	446	100	
	5,906,369	05/1999	Brennan et al.	273	238	
	5,850,628	12/1998	Jeffway, Jr.	704	258	
	5,607,336	03/1997	Lebensfeld et al.	446	297	
	5,334,022	08/1994	Kitagawa et al.	434	340	
	5,295,889	03/1994	Ejima	446	91	
	5,269,529	12/1993	Clemente	273	238	
	5,217,402	06/1993	Gross et al.	446	1	
	5,120,065	06/1992	Driscoll et al.	273	237	

## FOREIGN PATENT DOCUMENTS

Examiner Initial	Document Number	Date (MM/YYYY)	Country	Class	Sub-class	Translation	
						Yes	No

## OTHER ART

Examiner Initial	Author, Title, Date, Pertinent Pages, etc.
	"Pretend & Learn™ Shopping Cart," LeapFrog Enterprises, Inc., Internet.

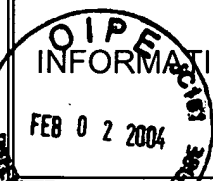
EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

## Information Disclosure Statement PTO-1449 (Modified)

The identification of any reference is not intended to be, and should not be understood as being, an admission that such publication, in fact, constitutes "prior art" within the meaning of applicable law since, for example, a given reference may have a later effective date than first seems apparent or the reference may have an effective date which can be antedated. The "prior art" status of any reference is a matter to be resolved during prosecution.

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Examiner Initial	Document Number	Date (MM/YYYY)	Name	Class	Sub-class	Filing Date if Appropriate
	5,069,458	12/1991	Washington	273	238	
	4,980,919	12/1990	Tsai	381	51	
	4,869,701	09/1989	Kawai et al.	446	91	
	4,820,233	04/1989	Weiner	446	303	
	4,526,550	07/1985	Lurito	434	340	
	4,453,920	06/1984	Harte	434	334	
	4,363,482	12/1982	Goldfarb	273	1GC	
	4,348,191	09/1982	Lipsitz et al.	434	308	
	4,280,809	07/1981	Greenberg et al.	434	343	
	4,205,850	06/1980	Craig	273	157R	
	4,176,492	12/1979	Sims et al.	46	22	
	4,038,775	08/1977	Sato	46	22	

## FOREIGN PATENT DOCUMENTS

Examiner Initial	Document Number	Date (MM/YYYY)	Country	Class	Sub-class	Translation	
						Yes	No

## OTHER ART

Examiner Initial	Author, Title, Date, Pertinent Pages, etc.
	"Remote Possibilities Game," Hasbro, Internet.

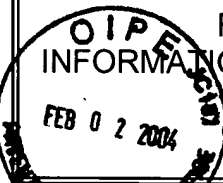
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	3,447,249	06/1969	Greger	35	19	
	1,223,508	04/1917	Meyner			
	1,211,590	01/1917	Kennedy			
	2003/0059757	03/2003	Wood	434	308	08/2002
	2001/0041495	11/2001	Chan	446	268	04/2001

## FOREIGN PATENT DOCUMENTS

Examiner Initial	Document Number	Date (MM/YYYY)	Country	Class	Sub-class	Translation	
						Yes	No

## OTHER ART

Examiner Initial	Author, Title, Date, Pertinent Pages, etc.
	"Learning Sensations™ Play with Letters Desk," Fisher-Price, Internet.
	"Article: All About NeoPets: The Site, Toys," EdutainingKids.com, Internet.
	"Toy Review: NeoPets: Voice-Activated Pet – Kacheek, Mynci, and Uni," EdutainingKids.com, Internet.

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